

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MITCHELL BRATHWAITE,

Plaintiff,

-against-

JOHN GUERRI worked @ 10am DMC 161  
Bx 102 July 2019; STROTH (Judge),

Defendants.

1:23-CV-1363 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated April 17, 2023, the Court granted Plaintiff 60 days' leave to file an amended complaint. That order specified that failure to comply would result in dismissal of this action; the Court would dismiss Plaintiff's claims under federal law for failure to state a claim on which relief may be granted, and would decline to consider, under the Court's supplemental jurisdiction, Plaintiff's claims under state law.

Plaintiff has not filed an amended complaint. Accordingly, the Court dismisses this action. The Court dismisses Plaintiff's claims under federal law for failure to state a claim on which relief may be granted, *see* 28 U.S.C. § 1915(e)(2)(B)(ii), and declines to consider, under the Court's supplemental jurisdiction, Plaintiff's claims under state law, *see* 28 U.S.C. § 1367(c)(3).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter judgment in this action.

SO ORDERED.

Dated: July 18, 2023  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge